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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,527	08/31/2001	Mark Moir	BAI525505/01772	3309

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EXAMINER
USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,527	MOIR, MARK	
	Examiner	Art Unit	
	Joseph G. Ustaris	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to under 37 CFR 1.75.

Claim 6 recites the limitation "said warning" in line 2 of claim 6. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests replacing "said warning" with --said indication--.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US005822123A).

Regarding claim 1, Davis et al. (Davis) discloses a television system (See Fig. 1) that has a "display screen" (See Fig. 1, TV 27; column 10 line 51 – column 11 line 16) and a "broadcast data receiver for receiving data from a broadcaster and generating audio, visual and/or auxiliary data therefrom, at least part of the data relating to television program and/or channel information" (See Fig. 1, column 9 lines 8-20 and column 10 line 30 – column 11 line 38). The system is able to "search and/or analyze the program and/or channel information relating to a program and/or channel which is selected for viewing by a user for pre-determined criteria" (See Figs. 7, 16, 30, and 39;

column 21 line 57 – column 22 line 42, column 22 line 59 – column 23 line 32, column 23 line 66 – column 24 line 8, column 25 line 1 – column 26 line 61). When the system determines that the program information of the program meets the criteria set by the user or "pre-determined criteria", the system "generates an indication of pre-determined criteria being detected in the program and/or channel information" (See Fig. 41; column 26 lines 3-61).

Regarding claim 2, "the program and/or channel information analyzed is the data transmitted to the broadcast data receiver for use in generating an electronic program guide (EPG) display" (See Figs. 5, 18, 19, and 20; column 9 lines 8-52).

Regarding claim 3, "a search facility is provided in the broadcast data receiver to search and analyze the program and/or channel information for pre-determined criteria" (See Fig. 1; column 25 line 1 – column 26 line 67).

Regarding claim 4, "the indication generated is displayed on the display screen" (See Fig. 41).

Regarding claim 8, the "pre-determined criteria" may be selected by the user from titles or "key words" (See column 26 lines 7-29), MPAA ratings or five letter rating items or "codes determined by the broadcaster and/or user" (See Fig. 30, 301, 302, 306, and 308), or "a pre-determined transmitted message and a signal which is received, processed and identified by the broadcast data receiver" (See column 26 lines 45-61).

Regarding claim 11, "the user defines the pre-determined criteria by inputting one or more key words or subject matter topics into the broadcast receiver via a query box on the display screen using control means" (See Figs. 3, 4, 30, 39, and 40).

Regarding claim 12, the "indication display" as well as other displays and screen configurations are "stored in the memory provided in or connected to the broadcast data receiver" (See column 10 lines 51-67) and "displayed on the display when the pre-determined criteria are identified" as discussed above.

Regarding claim 13, the user can decide not to enable any locks thereby switching off the display of the indication. Otherwise, when the user enables any locks, the indication display will be shown when the "pre-determined criteria" is met (See column 22 line 59 – column 23 line 65).

Regarding claim 14, "the indication is a warning message and/or warning signal" (See Fig. 41).

Claim 15 contains the limitations of claim 1 (wherein the system generates a visual indication for display on a display screen (See Fig. 41)) and is analyzed as previously discussed with respect to that claim.

Claim 16 contains the limitations of claim 14 and is analyzed as previously discussed with respect to that claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US005822123A) in view of Croy et al. (US006476825B1).

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Davis does not disclose that the indication is displayed on a display of a remote control for use with the system.

Croy et al. (Croy) discloses a remote control device and hand-held video viewer. The remote control has a display that is able to display the same screen as shown on the television unit or "indication is displayed on a display of a remote control for use with the system" (See Fig. 55; column 21 lines 11-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system and remote control disclosed by Davis to include a screen on the remote control and display the same screen as shown on the television unit, as taught by Croy, in order to expand the capabilities of the system thereby enabling the viewer to view the contents on the television at remote locations on the remote control.

Claim 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US005822123A) in view of Schmidt et al. (US006128031A).

Claim 6 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Davis does not disclose that the indication generated is an audible signal.

Schmidt et al. (Schmidt) discloses a broadcast receiver system that can detect ratings and category codes for programming and provide warnings. The system is able to provide visual alerts or an audible alert when the ratings of the program are unacceptable (See Fig. 10; column 8 lines 35-49). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the broadcast receiver disclosed by Davis to provide and audible alert, as taught by Schmidt, in order to provide multiple means of warning the viewer thereby ensuring that the viewer is aware that inappropriate content is being displayed on the television.

Claim 15 contains the limitations of claims 1 and 6 (wherein the indication is either a visual or audible) and is analyzed as previously discussed with respect to those claims.

Claims 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US005822123A).

Claim 7 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Davis discloses that the warning screen is removed after a predetermined amount of time (See Davis column 26 lines 12-32). However, Davis does not disclose that the "indication is repeated at pre-set time intervals during the time for which the program and/or channel are being shown.

Official Notice is taken that it is well know to repeat messages at pre-set time intervals during programs. Therefore, it would have been obvious to one with ordinary skill in the are at the time the invention was made to modify the "indication" disclosed by

Davis to repeat at pre-set time intervals during the time for which the program and/or channel are being shown in order to remind and ensure that the viewer is aware that inappropriate content is being displayed on the television.

Claim 9 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Davis discloses that the users can select the pre-determined criteria by the selection of a number of key words or topics provided in menus on the display (See Davis Figs. 30, 39, and 40). However, Davis does not disclose that the menus are "drop down menus".

Official Notice is taken that it is well known to use drop down menus. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the menus disclosed by Davis to be drop down menus in order to enhance the graphical user interface thereby by making the menu system more convenient for the user to use.

Regarding claim 10, the "selection of pre-determined criteria is made using the EPG" (See Davis column 25 lines 7-29).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Ellis et al. (US006732367B1) for their similar method of detecting programming ratings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGU
September 15, 2005

VIVEK SRIVASTAVA
PRIMARY EXAMINER